

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

NATIONAL FINANCIAL GROUP, INC.,	:	
	:	Civil Action No. 05-4197 (FSH)
Plaintiff/Counterdefendant,	:	
	:	
v.	:	<u>ORDER and OPINION</u>
	:	
CAJUN OPERATING COMPANY d/b/a	:	
CHURCH’S CHICKEN	:	October 12, 2005
	:	
Defendants/Counterclaimants.	:	
	:	

for the reasons stated on the record, Defendant Cajun having not established at this stage of the proceedings that Plaintiff NFG can prove no set of facts in support of its claims which would entitle it to relief,

IT IS on this 12th day of October, 2005,

ORDERED that Defendant Cajun's Motion to Dismiss the Complaint pursuant to Fed. R. Civ. P. 12(b)(6) is **DENIED**.

/s/ Faith S. Hochberg
Hon. Faith S. Hochberg, U.S.D.J.